

HOUSE BILL NO. 585

INTRODUCED BY J. PARKER, STOKER, WINDHAM, CAMPBELL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ADDITIONAL SENTENCE FOR AN INDIVIDUAL CONVICTED OF A FORCIBLE FELONY AGAINST A PREGNANT WOMAN; AND PROVIDING FOR THE OFFENSE OF ASSAULT ON A PREGNANT WOMAN."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Additional sentence for forcible felony against pregnant woman. (1)

An offender who is convicted of committing a forcible felony, as defined in 45-2-101, against a pregnant woman ~~and who, at the time of the offense, knew or should have known that the woman was pregnant~~ shall, in addition to the punishment provided for commission of the offense, be sentenced to a term of imprisonment in a state prison of not more than ~~20~~ 30 years, except as provided in 46-18-222.

(2) An additional sentence imposed pursuant to this section must be imposed pursuant to the requirements of 46-1-401 and must run consecutively to the sentence imposed for the offense, except as provided in 46-18-222.

NEW SECTION. Section 2. Assault on pregnant woman. (1) A person commits the offense of assault

on a pregnant woman if the person commits an offense under 45-5-201 and at the time of the offense, the ~~offender knew or should have known that the woman was pregnant.~~

(2) A person convicted of assault on a pregnant woman shall be imprisoned in a state prison for a term not to exceed ~~5 years or~~ 10 YEARS AND be fined not more than \$50,000, ~~or both.~~

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an

integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to [section 2].

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